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THE CITY OF NEW YORK
LAW DEPARTMENT
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MEMO ENDORSED

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April 22, 2008

BY HAND

Honorable Richard J. Sullivan
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

Re: Henry Dunn III et al. v. City of New York, et al., 08 CV 3208 (RJS)(GWG)

Dear Judge Sullivan:

I am the Assistant Corporation Counsel handling the defense of this action on behalf of Defendant City of New York (the "City"). I am writing to request an extension of time to answer or otherwise respond to the complaint, from April 22, 2008 to June 23, 2008. I have conferred with plaintiffs' counsel, Darrell A. Marshall, Esq. and he has consented to the requested extension.

I note for the Court's information that according to the civil docket sheet, the other individually named defendants in this action, Police Officer Bernard Solomon, Detective Jeffrey Miller and Detective Jeff Harris were purportedly served with process on April 2, 2008. A decision concerning this Office's representation of the individual Defendants has not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining representation of the named officers, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

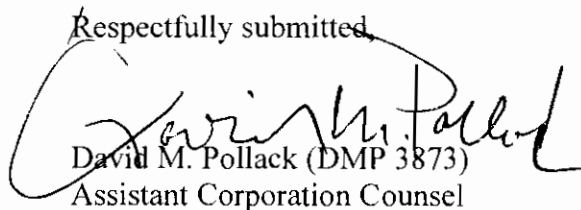
There are several reasons for seeking the extension. In his complaint, plaintiff alleges, *inter alia*, that he was falsely arrested, falsely imprisoned, maliciously prosecuted and deprived of his property. In order to respond to these allegations, we need to obtain records of the underlying criminal case. It is our understanding that some of the records regarding the incident complained of are sealed pursuant New York Criminal Procedure Law § 160.50. We have forwarded the necessary consent authorization to plaintiffs' counsel so that we can access the sealed records, properly assess the case and respond to the complaint.

The enlargement will allow this office time to conduct an inquiry to determine whether it could represent the other named defendants in this action, See General Municipal Law § 50(k);

Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Defendants must then decide whether they wish to be represented by the Corporation Counsel, see Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984). Only then can this office interview Defendants for the purposes of responding to the complaint.

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, it respectfully requested that the Court grant the City's application to extend its time to answer or otherwise respond to the complaint from April 22, 2008 to June 23, 2008.

Respectfully submitted,


David M. Pollack (DMP 3873)
Assistant Corporation Counsel

cc: By Facsimile Transmission
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SO ORDERED

Dated:


4/29/08

RICHARD J. SULLIVAN
U.S.D.J.